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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerard MOINET et al.

Examiner: 1614

Serial No.: 10/500,335

Group Art Unit: Zhang, Nancy

Filed: 28 June 2004

Title: PHARMACEUTICAL COMPOSITION COMPRISING AN ALPHA-GLUCOSIDASE INHIBITOR AND A 4-OXOBUTANOIC ACID, AND THE USE THEREOF FOR TREATING DIABETES

**RESPONSE TO RESTRICTION REQUIREMENT**

MAIL STOP FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated 7 November 2006, Applicants hereby elect, with traverse, Group I, claims 1-9, drawn to a composition of an  $\alpha$ -glucosidase inhibitor and a compound of formula I. Furthermore, in response to the election of a species, Applicants elect the following groups:

- a1) acarbose,
- b1) (+)2-benzyl-4-(4-fluorophenyl)-4-oxobutanoic acid (i.e., last compound in claim 8) and
- c1) non-insulin dependent diabetes.

All the claims in the application involve related subject matter, e.g., an  $\alpha$ -glucosidase inhibitor and a compound of formula I. A search would therefore comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention."

M.P.E.P. 803. Accordingly, withdrawal of the restriction is respectfully requested.

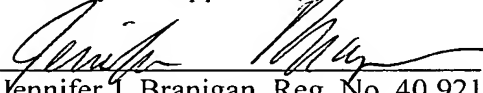
In any event, Applicant intends to request rejoinder of the methods of using compositions of Group I, once such compositions are indicated as allowable. See, e.g., M.P.E.P. 821.04, "Rejoinder."

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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